

Public Chapter 384

HOUSE BILL NO. 1202

By Representatives John DeBerry, Kent

Substituted for: Senate Bill No. 731

By Senators Person, Kyle

AN ACT to amend Tennessee Code Annotated, Section 8-21-401, relative to the schedule of fees for clerks of probate courts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-21-401(b), is amended by adding before the existing language the following:

“Except as provided in subsection (c),”.

SECTION 2. Tennessee Code Annotated, Section 8-21-401, is amended by adding the following new subsection (c) and by relettering the subsequent subsections accordingly:

(c) In counties having a population of not less than eight hundred twenty-five thousand (825,000) according to the 1990 Federal Census or any subsequent Federal Census, the clerks of the various courts of the State administering estates, guardianships, conservatorships and other probate matters are entitled to demand and shall receive for their services the following fees:

(1) For filing petition, entering order, recording bond and issuing original letters of administration in intestacy cases \$60.00

(2) For filing petition to probate will and entering order, without issuing letters testamentary 48.00

(3) For filing petition to probate will of three (3) pages or less in length, entering order, issuing original letters testamentary when bond is waived, recording will 66.00

(4) For filing petition to probate will of more than three (3) pages in length, entering order, issuing original letters testamentary when bond is waived, recording will 66.00

Plus for each additional page of will in excess of three (3) pages 1.00

(5) For filing petition to probate will of three (3) pages or less in length, entering order, issuing original letters testamentary or original letters of administration c.t.a., recording bond 72.00

(6) For filing petition to probate will of more than three (3) pages in length, entering order, issuing original letters testamentary or original letters of administration c.t.a., recording bond 72.00

Plus for each additional page of will in excess of three (3) pages 1.00

(7) For forwarding by mail the notice to the commissioner required by § 67-8-406(a) 6.00

(8) For giving notice to creditors of the qualification of a personal representative as required by § 30-2-306(a) 4.00

(9) For each notice of claim against estate given as required by § 30-2-314 4.00

(10) For filing petition for letters of guardianship, issuing process and cost bond, entering order, and issuing original certificate of guardianship (not including fee of the sheriff) 60.00

(11) For filing petition for removal of disabilities of minority, and entering order 30.00

(12) For filing petition for removal of disabilities of insanity, filing affidavits and entering order 30.00

(13) For filing petition for allowing year's support to spouses and entering all orders and reports 30.00

(14) For filing petition to legitimate person, entering order, issuing certificates to be forwarded to the Tennessee office of vital records, maximum 60.00

(15) For filing petition for change of name, and entering order, maximum 60.00

(16) For filing inventory and recording same in inventory record book 10.00

(17) For entering each order not otherwise provided for 12.00

(18) For filing petition for habeas corpus, filing cost bond, issuing process, and entering order (not including fee of the sheriff) 60.00

(19) For filing and recording annual settlement of guardians, conservators, administrators and executors and entering order approving settlement only 30.00

Plus for each additional page in excess of three (3) pages

	1.00
(20) For filing and recording final settlement of guardians, conservators, administrators and executors and entering order approving settlement only	36.00
Plus for each additional page in excess of three (3) pages	1.00
(21) For filing petition under the Mental Health Law, compiled in title 33, issuing notices of hearing, entering returns, and entering judgments after hearing (not including fees of sheriff)	50.00
(22) For entering order increasing bonds of guardians, conservators, executors and administrators and recording bond	22.00
(23) For issuing each additional copy of letters of administration, testamentary, guardianships and conservatorships	6.00
(24) For each certificate issued, except under acts of congress	4.00
(25) For each certificate issued under acts of congress	6.00
(26) For issuing supplemental certificate showing letters to be in force	6.00
(27) For making certified copies of documents, per page	2.00
Plus for certificate	2.00
(28) For making photocopies of documents, per page	1.00
(29) For filing exceptions to claims against estates, mailing notices and entering orders	42.00
(30) For filing petition for delayed or corrected birth certificate, and entering order	36.00
(31) For filing and docketing claims against decedent's estate, each claim	5.00
For filing release of each claim	2.00
(32) For filing and docketing petition and order not otherwise provided for	30.00
(33) For issuing summons, subpoenas, citations, writs and notices, including copies of process when required by law	11.00

(34) For filing small estate affidavits (includes certifying to one (1) copy)	30.00
Each additional copy	2.00
(35) For filing petition and cost bond in causes involving sale of real estate	18.00
(36) For filing each answer in such causes	7.00
(37) For filing each report in such causes	7.00
(38) For issuing summons and return in such causes (includes copy of process)	11.00
(39) For entering orders pro confesso in such causes	7.00
(40) For issuing and entering order of publication in such causes	7.00
(41) For filing each amended petition in such causes	10.00
(42) For entering order appointing guardian ad litem in such causes	12.00
(43) For entering final order in each of such causes	12.00

(The clerk shall collect the sheriff's fee, plus the sheriff's fee for each additional defendant in proceeding to sell real estate.)

In any county to which this subsection shall apply, before implementation, these provisions shall be ratified by an ordinance adopted by a two-thirds (2/3) vote of the County Legislative Body.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Commission of Shelby County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Commission and certified to the Secretary of State.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3 of the printed bill.

SECTION 5. This act shall take effect on July 1, 1997, the public welfare requiring it.